

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:) Group Art Unit: 2624
DIETZ et al.)
Serial No.: 10/771,585) Examiner: TUCKER, Wesley J.
Filed: February 3, 2004)
Atty. File No.: 4220-107-1) Confirmation No.: 3811
For: "SYSTEM FOR MICROVOLUME)
LASER SCANNING CYTOMETRY")
)

**COMMENTS ON STATEMENT
OF REASONS FOR
ALLOWANCE**

Mail Stop: Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

While Claims 1-3 are allowed, the Examiner's Statement of Reasons for Allowance appears particularly directed to a specific limitation of each of the allowed claims. However, the patentability of the claims is assumed to be based upon the elements as set forth in such claims and that such claims meet all criteria for patentability under §101, §102, §103 and §112.

As is clear from MPEP §1302.14,

"The statement [of reasons for allowance] is not intended to necessarily state all the reasons for allowance or all the details why claims are allowed and should not be written to specifically or impliedly state that all the reasons for allowance are set forth."

Accordingly, the Applicant asserts that other reasons for allowance exist other than the reasons given by the Examiner. In particular, Applicant notes that the prior art does not teach or suggest the various combination of limitations as set forth in the allowed claims, alone or in combination with any other prior art reference.

In addition to the foregoing, the Applicant makes note of the Examiner's wording that "[n]o other found prior art of record teaches or fairly suggests **this limitation**." (Notice of Allowability, Detailed Action, pg. 3, sect. 4, mailing date September 27, 2007.) (Emphasis added.) In the subject paragraph of the quote, the Examiner has listed one different reason for each allowed claim, but has then stated that the prior art does not teach or suggest "this limitation," as in a singular context. The Applicant points out that the Examiner has given different reasons for each of the allowed claims, not just one limitation that applies to all of the allowed claims.

In sum, the Applicant respectfully asserts that other unstated reasons for allowance can and do exist, and it is clear from the foregoing that the Examiner's statement is not necessarily complete or accurate.

Respectfully submitted,
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